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An Investigation into Procedures and

Policies for Determining Student Residency

(TITLE)

BY

Joseph C. Rodocker

THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF

Specialist in Education

IN THE GRADUATE SCHOOL, EASTERN ILLINOIS UNIVERSITY
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1995

YEAR

I HEREBY RECOMMEND THIS THESIS BE ACCEPTED AS FULFILLING
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Abstract

This study was conducted to determine to what extent problems exist in determining whether students are eligible for tuition free education in districts and the policies and procedures that are currently in use in those districts. All school administrators face the prospect of deciding whether a student is eligible to attend their school tuition free. Districts must provide tuition-free education to resident students, either in a district school or in an appropriate placement for a handicapped student. The district administrators must make a determination of residency to meet its statutory obligation to charge tuition to non-resident students or to meet its legal responsibility to pay tuition for handicapped students placed in out of district programs.

A review of the literature related to determining residency was conducted through research on the topic and study of legal opinions issued to Illinois schools by ISBE legal staff as found in the files of the local Regional Office of Education. The review indicated Illinois case law has been clear in its position, that although a child is presumed to be a resident in the district in which his or her parents reside, this presumption is not insurmountable. Indeed, the courts have consistently ruled that a child may attend a school in any district in which he or she resides, apart from parents or legal guardian, as long as the sole purpose of residing in the district is not to attend school. With this in mind, the courts have indicated the type of due process and questioning appropriate for determining if a student is eligible for tuition-free education. Proper

policies and procedures make it possible to accurately determine if a student meets the legal guidelines that entitle him or her to a tuition-free education in a school within the district.

A survey was sent to 25 superintendents in southeastern Illinois to determine, in each district, to what extent residency was a concern, who was responsible for making residency determinations, and what policies and procedures were currently in place. All 25 superintendents responded. The survey indicated that all districts are faced with residency questions, generally three to five times per year with administrators commonly charged with making the determination if a student is eligible for tuition-free education in the district. Most district superintendents reported residency questions as moderate concerns, with no increase in the number of questions faced each year. The survey indicated various policies and procedures were in place, but a majority of the districts surveyed had no guidelines for dealing with students who were not living with a parent or legal guardian, but doing so for reasons other than attending school. All samples of policies and procedures that were obtained with the survey were given in the appendices along with recommendations regarding their use in deciding individual residency questions. Based on the review of literature and legal opinions, recommendations were made regarding the adopting and/or adapting of the sample procedures and policies by school districts to help ensure meeting statutory and case law requirements in residency determinations.

Chapter 1

Introduction

Overview of the Problem

Inconsistencies exist in Illinois with methods and requirements for determining student residency within school district boundaries. Neither the Illinois State Board of Education nor the legislature has provided specific rules or methodology for determining if an entering student is a legal resident of a district and therefore entitled to attend school without paying tuition. This study was designed to provide a basis for designing and implementing model policies and procedures for districts to use in determining if a student is a resident eligible for tuition-free education in a district's schools.

An increasingly mobile student population has led to an increasing need to check residency. In addition, the decreasing number of two-parent families and various types of custody situations have made identifying legal residency more difficult. Economic and social conditions have led to students living with relatives or people other than custodial parents as defined by law. Furthermore, because of the great variation in per pupil wealth in the state, a large discrepancy exists among districts with regard to curricular, extra-curricular, and co-curricular activities, as well as student services. At times, students have enrolled in districts other than the ones of their legal residence to avail themselves of educational opportunities.

Because of these and other factors, numerous students have probably

attempted to enroll in districts in which they did not meet residency requirements. Districts are required by statute to charge tuition to students who are not legal residents. Further, districts could forfeit general state aid claimed for such students. Therefore, it behooves district staff members registering a new student to accurately determine if he or she is a legal resident and to ensure that continuing students are legally entitled to a tuition-free education. Developing policies and procedures for this purpose should help ensure that a district has met legal obligations and that it is receiving all funds to which it is legally entitled.

Statement of the Problem

It was expected that this study would provide data and samples of current policies and practices in place for determining student residency in southeastern Illinois school districts. It would also provide information about superintendents' perceptions regarding the need for more specific guidelines for determining residency and the extent to which they perceived problems in this area. From these data and a review of literature and law, model policies and practices were developed and recommended to aid school personnel in determining student residency.

This project was designed to accomplish the following objectives:

1. It would ascertain the extent to which determining residency was perceived by superintendents to be a problem.
2. It would provide current information on the legal background and statutory requirements for student residency.

3. It would provide a sampling of policies and procedures from which models could be drawn.
4. It would result in the development of written policies and procedures recommended for use in Carrier Mills-Stonefort Community Unit School District 2 in Illinois.

Operational Definitions

The definitions and terms for this project relate specifically to Illinois schools and law which has defined residency as dwelling or living in a locality through physical presence which is not limited by a specific length of time (Ross, 1989). According to Ross, Martinez v. Bynum, 1983 determined that, while a domicile was a fixed and legal home of which a person had only one, a person may have had more than one residence. This was especially true for school-aged children who had no control over their places of living. Consequently, a child may have changed places of residence even though the parents maintained one fixed domicile. This has often been the case with children whose parents are with the military or other occupations that are mobile.

Another term to be considered was "guardian" which was used here to refer to a person who had custody and control of the child. This meant the child must live full-time with someone in the district. Control meant the person must be responsible for the child's discipline, emergencies, educational decisions, and other parental duties. Custody does not have to be through an order of the court (Mullins, 1985).

Assumptions

It was assumed that all school districts had occasion to question student residency, and that due to financial considerations, as well as law, it was prudent to see that funds were used for the educational purposes of those students who were legally entitled to them. It could also be assumed that this problem may have existed to a varying degree in districts and that some districts dealt with the situation more efficiently and effectively than others. It was assumed that most transfer students and their related residency questions come from neighboring or nearby districts.

Limitations

When discussing residency, unless otherwise stated, the term did not include those considered “homeless” as defined by the Illinois Education for Homeless Children Act, 105 ILCS 4/1-1 et. seq. or the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C.A. 11301 et. seq. Since the provisions governing the provision of educational services for homeless students were in the laws, the determination was not one of residency for such students, but rather a determination of whether they were to be deemed “homeless.” Therefore, the focus on determining whether a student was homeless was outside the boundaries of this study. This study was also not concerned with emancipated minors for much the same reason. The determination would be not of residency, but if the student met the legal requirements for being declared emancipated.

Since it was assumed that most residency questions come from students who had been enrolled in nearby districts, this study was limited to selected districts in the local Regional Offices of Education in southeastern Illinois. This study involved schools in the eight-county Illinois Regional Office of Education for Gallatin, Hardin, Pope, Saline, Wayne, White, Wabash, and Edwards, as well as Illinois districts bordering or near Carrier Mills-Stonefort Community Unit District Number 2. These southeastern Illinois districts were those which contained schools that most frequently had students transfer to or from District 2. Information on policies and procedures for determining student residency was solicited from the district superintendents of public schools in the area involved.

Chapter 2

Rationale and Review of Literature

Rationale

Due to the many financial and legal considerations related to the number of resident students enrolled and the cost of providing educational programs for resident and non-resident pupils, accurate determination of residency was considered important. In light of the unstable and inadequate financial conditions and dwindling resources that face many area districts, it was felt that determining residency of pupils was an important aspect of maximizing resources for the educational benefit of district residents and taxpayers.

This study was designed to provide a basis for making such determinations using legal research and reviewing procedures that were used in local districts. Results were shared with participating superintendents as well as the Regional Office of Education. Through the dissemination and sharing of information gained through this study, all area districts could view residency questions with a common knowledge base and could possibly make such decisions in a more consistent manner than had occurred in the past.

Review of Literature

The literature related to this study was based on the Illinois statutes, court findings, and legal opinions from school law firms and legal advisors of the Illinois State Board of Education. All of the literature reviewed was consistent in the need for applying some type of procedure

and due process to determine if a child was a bona fide resident for school purposes and the elements needed to properly and accurately determine student residency.

Illinois law (105 ILCS 5/10-20.12) requires that school boards establish and maintain enough free schools to accommodate all persons in the district who are five years of age but under 21. Furthermore, ILCS 5/10-20.12a indicates that districts are to charge non-resident pupils tuition not to exceed 110% of the per capita cost of maintaining schools in the district for the preceding year. It is noted that a district is not required to accept non-resident pupils.

Illinois law defines the resident district of the parents of handicapped students and the students themselves (ILCS 5/14-1.11; ILCS 5/14-1.11a). ILCS 5/14-7.01 requires that tuition for handicapped children who must attend a school as non-residents due to handicapping conditions is to be paid by the students' resident district. According to the Client Newsletter of Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd. Lawyers (1993), districts have a statutory duty to charge tuition for non-residents (Turner v. Board of Education, 1973), and the cost implications for an in-district child requiring special education makes residency an important issue. Braun (1994) also concurred that districts are statutorily obligated to charge tuition to nonresidents and are required to pay tuition for in-district special education students who are placed out of the district.

Mullins (1985), Dempsey (1984), and Rhoades (1991) all stated

that the basic presumption was that a child was considered a resident of the school district in which his or her parents lived. However, they also agreed that this presumption may be rebutted under circumstances where a student lives with someone other than the parent for purposes other than attending school. According to case law in Illinois, from Ashley V. Board of Education (1916) to Connelly v. Gibbs (1983), the courts have indicated that student residency in a district is contingent on evidence that a student is not living in a location different from his or her parents for the sole purpose of attending school.

In Israel S. v. Board of Education of Oak Park and River Forest High School District 200 (1992), the Illinois Appellate Court, First District, noted that the question of residency is not complicated. The court decision stated, "A child's residence in a school district other than that in which his parents reside is sufficient to entitle the child to attend school tuition free in the district in which he resides so long as residence is not established solely to enjoy the benefits of free schools" (Franklin, 1993a). Opinions given by legal advisors from the Illinois State Board of Education have defined student residency in much the same way (Dempsey, 1984; Reichle, 1988; Bush, 1990).

The literature indicated the problem of residency involves establishing evidence that a child living away from parents meets the standard of not living there merely for the purpose of attending school. According to Franklin (1993b), courts have established instances whereby the resident district is the residence of the child apart from the

parents when:

1. the child was adopted,
2. the child was placed with a family with no intention of withdrawal,
3. the child's parents had given up all control,
4. the child's parents lived in another state and exercised no control,
5. or the parents were migratory workers.

Illinois Law (ILCS 5/14-1.11a) gave the following circumstances for considering a student apart from his or her parents to be a resident of the district :

1. the parent had legal guardianship but the location of the parent was unknown; or
2. an individual guardian had been appointed but the location of the guardian was unknown; or
3. the student was 18 years of age or older and no legal guardian had been appointed; or
4. the student was a legally emancipated minor; or
5. an Illinois public agency had legal guardianship and had placed the student residentially outside of the school district in which the parent lived.

Under these circumstances, a student was a resident of the district in which he or she resided rather than the one in which the parent resided. The student was, therefore, entitled to a tuition-free education in

the schools of that district. Consequently, the district of the student's residence was responsible for tuition if the student was handicapped and placed in a different district due to the handicap.

For school personnel who attempted to determine student residency, due process consisting of an opportunity to present evidence of residency was required to protect the student's rights to a tuition-free education. Robbins, Schwartz, Nicholas, Lifton & Taylor (1993) suggested a standard questionnaire to determine the student's name and address and the name and address of the student's parents and claimed custodians. Questions covered should include:

1. Why is the student not living with a parent or legal guardian?
2. If guardianship order exists, where was it obtained?
3. Where does the student eat meals regularly?
4. Where does the student sleep regularly?
5. Where does the student spend weekends and time when school is not in session?
6. Who provides financial support for the student?

Mullins (1985) suggested these additional questions to be asked at an interview to elicit helpful information:

1. How often does the student see his or her parents?
2. Do the parents live in another state?
3. Who is to be notified in case of emergency?
4. Who is to be notified in discipline matters?
5. To whom is the student's report card to be sent?

6. Who declares the student for income tax purposes?

7. Who is responsible for making educational decisions?

The literature indicated a number of things to be considered in trying to establish residency. Kraut v. Rachford, (1977) indicated the need for due process in arriving at a determination of residency. Additionally, Israel S. v. Board of Education (1992) indicated that no one piece of evidence was the sole determining factor, should other evidence exist to support residency claims. It was clear, however, from the literature, that case law existed to support a district's need to establish residency for educational purposes, and that proper procedures exist to determine the facts surrounding questionable residency situations. The law is clear that procedures must include due process and determination must be based on the evidence presented in each individual case.

Chapter 3

Design of the Study

General Design of the Study

This study reviewed available literature relating to the establishment of residency and surveyed superintendents in districts in the local Illinois Regional Offices of Education to determine the following:

1. the extent to which determining residency is perceived to be a problem,
2. if individual districts have written policies and procedures in place for determining residency questions,
3. who is responsible for making determinations of residency when questions arise.

The following procedures were carried out:

1. review of literature,
2. development of survey instrument to gather the data listed in the preceding paragraph (see Appendix A) and cover letter to superintendents (see Appendix B),
3. mailing of survey to superintendents,
4. follow-up on unreturned surveys,
5. data analyzed to determine:
 - a. to what extent residency questions pose problems
 - b. what written policies and procedures were used in local districts,
 - c. who made residency determinations,

- d. what common problems and solutions existed with reference to determining residency.

6. Sample policies and procedures were developed.

Sample and Population

A survey form was mailed to the superintendents of all 19 school districts located in the Illinois Regional Office of Education Number 20 that came into effect August 1, 1995. This office included all districts in the Illinois counties of Edwards, Gallatin, Hardin Pope, Saline, Wabash, Wayne, and White. Six additional surveys were sent to districts in counties bordering Saline County including all districts with boundaries common to Carrier Mills-Stonefort Community Unit District Number 2.

The districts surveyed included 14 unit districts with six of those being county-wide. The others included nine elementary districts and two high school districts. Since this survey included a large number of the districts in southeastern Illinois and was composed of the various kinds of districts that exist in Illinois, the sample was representative of the area in which the study was conducted. All 25 surveys were returned. Follow-up was needed to secure the timely return of three surveys. The other 22 were returned within three weeks of the original mailing.

Data Collection and Instrumentation

The survey instrument was developed by the author to obtain data reflecting the goals of the study. The instrument was kept to one page and was designed to be completed quickly and easily to encourage a high return rate. The cover letter was written to introduce the author and

purpose of the survey. With the cooperation of the Regional Office of Education, the superintendents' names and district addresses were obtained for mailing purposes. Follow-up was done through additional mailings. In this manner, a 100 % return was obtained.

Questions 1-4 on the survey were used to determine the extent to which residency questions arise and whether they are increasing or not. Questions 5 and 6 asked who made initial and final determinations regarding residency questions. Question number 7 asked which schools had formal policies and/or procedures for determining residency and asked for copies of those, if available. An open section where comments were solicited was provided at the end of the survey in addition to a space where the superintendents could request a copy of survey results.

Data Analysis

From the responses to these questions, what happened in local districts when residency questions arise was determined. Responses were summarized for each question and analyzed by the number of individual responses given by the superintendents to each question. The mean, median, and mode responses were determined, where appropriate, to indicate any patterns or common approaches to the questions posed in the survey. The materials included by superintendents in response to the request for copies of policies and procedures were reviewed by the author for appropriateness and usefulness in accordance with this study's goals.

	Number of Residency Questions												
	0	1	2	3	4	5	6	7	8	9	10	11	12
No. of Responses	2	4	6	4	1	3	1	0	1	0	1	0	1
Total Responses = 24													

Table 2

Average No. Per Year

	0	1	2	3	4	5	6	7	8	9	10	11	12
No. of Responses	2	4	7	4	3	3	0	0	0	0	0	0	1
Total Responses = 24													

Degree of Concern Posed by Residency Questions

Question number 3 asked the 25 superintendents to respond on a Likert scale of 1 to 5 about how great of a concern residency questions were in their respective districts. A response of 1 indicated that such questions were of no concern; responses of 2, 3 or 4 indicated varying amounts of moderate concern; and a response of 5 indicated great concern. The mean response was 2.9 and the most frequent response of 3 was given by 13 of the superintendents. Three superintendents responded with 1; three superintendents responded with 2; 5 responded with 4; and one superintendent responded with 5.

Growth of Residency Questions

In question number 4, superintendents were asked to indicate if residency questions in their districts were decreasing, stable, slightly increasing, moderately increasing, or greatly increasing. No one reported that such questions were decreasing. Thirteen said the number of residency questions remained stable, while eight said they were slightly increasing and three said they were moderately increasing. One superintendent reported that residency questions were greatly increasing.

Persons Responsible for Initial Residency Determinations

Superintendents were surveyed in question number 5 as to which school personnel were responsible for determining if new students were legal residents of the district in which they were registering. In 14 of the districts this task fell to the principal and five times to the superintendent.

Four districts reported that a school secretary made the determination of residency when registering students. Transportation director and guidance counselor were each listed once as the person responsible for making the initial determination of a students residency.

Question number 6 asked the superintendents who was responsible for making the final determination should a question arise regarding student residency. Fourteen superintendents responded that they were responsible for the final determination of residency questions. The local school board was listed twice. The superintendent in conjunction with the school board was listed three times and the superintendent in conjunction with the Regional Office of Education or its Board of Trustees was listed four times. The building principal was listed twice as the person responsible for making the final determination regarding student residency.

Residency Policies and Procedures Currently in Place

Fourteen of the 25 superintendents surveyed indicated that their districts did not have any formal policies and/or procedures in place for determining residency. The other 11 superintendents reported some formal policy and procedures in place. Six superintendents responded with samples of their board policies and forms used, including affidavits affirming residency and items used as as proof or residency. Four reported that they follow the School Code regarding residency. Materials provided, with district identifying information deleted, are given in Appendix C, Appendix D, Appendix, E, Appendix F, and Appendix G.

Chapter 5

Summary, Findings, Conclusions, and Recommendations

Summary

The purpose of this study was to provide data, samples of current practices and procedures, and legal background for determining student residency in selected school districts in southeastern Illinois. Data collected included the extent to which residency questions occur and to what extent superintendents perceive such questions as concerns for their districts. The study provided information for the development of policies and procedures to be recommended for use in determining student residency.

With the use of policies and procedures designed to ensure that educational programs and services go to those who are legally entitled, school districts could possibly avoid conflicts with neighboring districts, collect the maximum funding dependent on numbers of students, and avoid the legal ramifications and expenses involved with enrolling ineligible students without collecting tuition as required by law.

Findings

The legal background of student residency rested on two basic assumptions:

1. School boards must maintain tuition-free schools for all residents from five years of age until 21 years of age.
2. The resident district of students is that district in which the parents reside.

However, case law in Illinois has indicated that these assumptions may not hold true in certain circumstances. Beginning in 1916 with Ashley V. Board of Education, Illinois courts have said that as long as a student is living in a location different from the parents for some reason other than attending school, the student is entitled to tuition-free education from that district. Consequently, residency questions became not so much a point of with whom a student was living as determining why a student was living with them, as long as it had been determined that the student actually resided in the district.

Due process being necessary before denying a student the right to enroll, residency determinations should then include questions aimed at not only where a student lives, but with whom, and the reasons for residing with someone other than parents or legal guardians. Sample board policies in Appendix D and Appendix E have attempted to deal with the "why" of residency. Questions in Appendix C and Appendix G also have basis in attempting to determine why a student is residing in a district other than that of the parent. These were samples of actual current policies and practices submitted by superintendents involved in the study.

Determining student residency is a part of an administrator's regular job responsibilities. Only two of the 25 superintendents surveyed indicated that their districts had not had any residency questions arise during the past school year. Most superintendents reported that two to four residency questions must be considered each year. One district

reported one such question per month was common.

While three of the superintendents reported that residency questions were of no concern, 19 rated these questions as a moderate to great concern in their districts. However, while concern existed regarding residency, 21 of the superintendents reported that residency questions were stable or slightly increasing. While no one reported a decrease, only four the indicated that there were moderate or great increases in this activity, despite increasing mobility of the population in general. Therefore, residency questions were not generally viewed by the superintendents surveyed as a considerable problem or one that was greatly increasing from year to year.

The task of determining if a student is legally entitled to tuition-free education in a district is generally left to school administrators. Fourteen of the respondents listed the building principal as the person who makes the initial determination of residency when new students are registered. While six superintendents listed the school secretary (four), guidance counselor (one) and transportation director (one) as the person who makes the initial determination, these persons generally report to the principal or superintendent. The superintendent was listed five times as the person making the initial determination of residency, making an administrator listed 19 times as the responsible party for that task.

In two districts, the principal was reported to be the person making the final determination of a student's residency. The local school board was listed twice and the superintendent, alone or in conjunction with the

local or regional board, was listed on the remaining 23 surveys as making any final determinations on residency questions.

Conclusions

Article 7 of the 1994 Illinois School Code (ILCS 105/7) gives Regional Boards of Trustees the job of dealing with boundaries of school districts within their regions. This usually determines in which district a student and parents reside. As noted in the the legal background on residency, the courts are the actual, final arbiter of student residency. Any decision made by school personnel, boards of education, and/or boards of trustees are subject to review by the judicial system should the decision be contested in that arena.

The courts have consistently held that a student's residence is wherever he or she eats, sleeps, and stays, regardless of whether he is living with parents or legally appointed guardian, so long as the student is not living at that location for the sole purpose of attending school. Normally, the courts have ruled that the child's residence is that of the parent. However, when the student is not living with a custodial parent or legal guardian, it is the school's responsibility to ensure that the student is legally entitled to tuition-free education.

Such a determination must be made for several reasons:

1. State law requires districts to charge tuition to students who are not legal residents of the district.
2. Residency concerns may create legal or other problems that adversely affect working relationships with other districts and

negatively impact the reputation of a district, its employees and students.

4. The financial burden on a district which enrolls students not legally entitled to tuition-free education could increase greatly due to:
 - A. reimbursing the state for state aid collected for a student not entitled to be claimed.
 - B. not collecting tuition or state aid to which the district is legally entitled.
 - C. legal fees and court costs incurred in defending a residency decision.
 - D. costs incurred in educating students, especially those in extraordinary cost programs, for which the district is not legally responsible, or for which monies are incorrectly collected or reimbursed by the district.

In this age, when many districts face considerable financial difficulties, spending a district's limited resources to resolve or correct residency problems is something that may be avoided or minimized through the use of proper procedures used for determining residency.

It is imperative that school personnel be aware of the court decisions and ISBE legal opinions regarding residency when developing policies and practices for use in determining residency. It is not enough to say, "We follow the School Code," as did at least two of the superintendents responding to the survey question about their districts'

formal policies and procedures. The law simply does not accurately reflect the legal opinions given during this century regarding where a student may attend school and under what circumstances a student is eligible to attend a school tuition-free. The law (ILCS 5/10-20.12a) simply states that a child is a resident of the district in which the parents reside and that a district must charge tuition if it accepts a non-resident pupil.

Subsequently, it may appear that residency is a simple, clearly-defined matter. It does not, however, reflect the fact that the courts have given students the ability to attend school wherever they might reside, regardless of whether they reside with parents or not. The major concern then, is not with whom a student lives, but where and why. A student can attend a school in a district other than that in which the parents reside, as long as it can be established that the student is not living in such a place for the sole purpose of attending school. Therefore, it behooves the school district to develop policies and procedures that can be used to effectively determine, for a student not living with parents, what reasons exist and can be substantiated, that would allow that student to attend school tuition-free in a district where the parents are not legal residents.

Recommendations

1. Staff development is needed to inform school personnel of how the courts in Illinois have viewed residency questions and to ensure that all district personnel who enroll students and make residency determinations follow district policy and practice in doing so.

2. District policies need to be developed, similar to Appendix E, that outline the responsibility of those non-parents with whom a student is residing regarding payment of tuition, if found to be necessary, and the support for living, education and other daily decisions affecting said student.

3. A Statement of Residency, such as the one in Appendix C, should be used where it is found that a student's parents reside in another district. Additional questions concerning who declares the student for income tax purposes, who makes educational decisions for the student, where the report card is to be sent, who is notified in case of emergency, and who is to be notified in case of discipline or legal problems may be included to further substantiate a residency claim.

4. In some, generally larger districts, those enrolling students may ask individuals to provide rent receipts, utility bills, or some other form of proof that residency exists in the district and have them complete an affidavit such as the one shown in Appendix G.

5. District personnel need to understand that residency for attending school may differ from Illinois High School Association rules for eligibility and participation in interscholastic activities. There may be a number of factors to demonstrate a need for a student to live somewhere other than where the parent resides. There may be social or psychological needs that can be best met by changing residency and which require a student to attend school other than where the parent resides. School policy and practice must take these factors into account

and each student must be given due process, including an opportunity to present evidence used to determine each individual case.

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et seq.

Turner v. Board of Education, 54 Ill.2d 68, 294 N.E.2d 264 (1973).

Please complete this questionnaire as fully as possible. All replies will be kept strictly confidential. Thank you for your prompt assistance.

1. Has your district had to question student residency in the past year?

_____ No _____ Yes - if so, how many times? _____

2. On average, how many times per school year does a residency question arise? _____

3. Are residency questions a concern in your district?

No Concern

Moderate Concern

Great Concern

1

2

3

4

5

4. Complete this statement as it applies to your district (check one):

Residency questions are _____ decreasing.
_____ stable.
_____ slightly increasing.
_____ moderately increasing.
_____ greatly increasing.

5. When registering new students, who is responsible for determining residency?

6. Who makes the final determination of residency questions?

7. Do you have a formal policy/procedures in place for determining residency? _____ Yes _____ No
(If Yes, a copy or brief description would be appreciated.)

Mail a copy of the results to:

C o m m e n t s :

Appendix A

Please complete this questionnaire as fully as possible. All replies will be kept strictly confidential. Thank you for your prompt assistance.

1. Has your district had to question student residency in the past year?

_____ No _____ Yes - if so, how many times? _____

2. On average, how many times per school year does a residency question arise? _____

3. Are residency questions a concern in your district?

No Concern

Moderate Concern

Great Concern

1

2

3

4

5

4. Complete this statement as it applies to your district (check one):

Residency questions are _____ decreasing.
 _____ stable.
 _____ slightly increasing.
 _____ moderately increasing.
 _____ greatly increasing.

5. When registering new students, who is responsible for determining for determining residency?

6. Who makes the final determination of residency questions?

7. Do you have a formal policy/procedures in place for determining residency? _____ Yes _____ No

(If Yes, a copy or brief description would be appreciated.)

Mail a copy of the results to:

Comments:

Appendix B

Dear Superintendent,

As a graduate student at Eastern Illinois University I am currently preparing a field study, under the direction of Dr. Donald Smitley, regarding the procedures and policies for determining student residency. This survey will help ascertain what policies and procedures are presently being used in area districts and the extent to which determining residency is considered to be a concern.

I hope you will take a few minutes of your time to complete this survey and return it in the enclosed stamped envelope. If you have formal policies, procedures, or forms that are used in your district, I would appreciate a copy of those if they are available.

Please note on the survey that results will be mailed to you at your request. I appreciate your assistance with this project.

Sincerely,

Joe Rodocker, Principal
Carrier Mills-Stonefort High School
Carrier Mills, IL 62917

Appendix C

STATEMENT OF RESIDENCE

DATE _____ 19 _____

I, _____, affirm that :
 I am the parent, foster parent, guardian or _____
 of _____ age _____, and that the residence
 of _____ is _____,
 _____, Illinois which is in the territorial boundaries
 of _____ School District #, _____ County, Illinois.

The said child's residence within said school district has not been established solely for the purpose of attending the schools thereof.

That the following facts are affirmed in order to permit the said school district to enroll the said child in the schools of said district as a resident:

(Yes/No)

The said child eats (his/her) meals regularly at the said residence. _____

The said child sleeps regularly at said residence. _____

The said child spends weekends regularly at said residence. _____

The said child spends summers regularly at said residence. _____

Signature

Address

Appendix D

ARTICLE VI STUDENTS

6-1 Attendance

A. Admission to School

Transfer students will be admitted but not officially registered until past educational records or transfer notice is received and residence is established.

1. Residence

One of the requirements for admission is the presentation of evidence that the student is a legal resident of the district. This evidence includes, but is not limited to, drivers licenses, voter registration, rent receipt, tax statement, utility bills or mailing address.

If the student is not living with parents and does not have the legal guardianship papers, it is necessary that an affidavit be submitted by the sponsor of the student through the principal to the Unit Superintendent's office. All decisions concerning residency are to be determined by the Superintendent.

Appendix E

POLICY

.007 Students

007.43 Legal Custody/Guardianship of Students

It shall be the policy of District # that students who enroll as students in the custody of, or guardianship of, a relative or other individual must meet the following criteria:

1. A certified copy of a Court Order signed by a judge from a Court of competent jurisdiction and a certified copy of the Letters of Office (Guardianship of the Person) signed by the Clerk of the Court should be presented at the time of enrollment. These documents should reflect the appointment of a named guardian of the child(ren).

2. If there is no Court appointment of guardian and if a Court Order and Letters of Office are not produced, as an alternative, there shall be presented to the school a written document in the nature of a Custody Agreement or Designation of Guardian, which specifies in writing the nature of the guardianship or custodial arrangement concerning the child(ren). In such event, both parents of the child so granting custody or guardianship to another party, and the guardian or custodian so designated, shall agree to assume responsibility for the burden of proof and full consequences in the event of dispute or contest relating to the proper legal custody, guardianship, and residency of any such child(ren). The parents of such child(ren) and the guardian thereof must agree in writing to pay and be responsible for full tuition charges (retroactively) from date of enrollment through the date of final attendance, if upon contest, the claimed residency is disallowed or denied. The parents and guardian or custodian must likewise indemnify the School District from full consequences of contest or disallowance of the claimed residency based on such custody or guardianship agreement.

Appendix F

STUDENTS

ATTENDANCE

Resident Students

To attend School in the District without a tuition charge, a student shall reside within the boundaries of the District. In case of doubt, the administrator may require proof of residence.

A student whose family moves out of the District during the school year will be permitted to attend school for the remainder of the year without payment of tuition.

If a student's family plans to move out of the district on or before thirty-one (31) calendar days after the beginning of school, the student will be allowed to start school at the beginning of the school year.

Appendix G

AFFIDAVIT OF RESIDENCY

The undersigned does hereby solemnly affirm that he/she is a legal resident of _____ District No. _____, having a legal, permanent, home address within the district. Said address is not established as a secondary place of residence for the sole purpose of having his/her child or children attend _____ District No. _____

Street Address: _____

City and Zip: _____

Telephone Number: _____

Property Owned _____ or Rented _____

If rented insert landlord's name and address: _____

Rent Receipt Attached

_____ DATE	_____ SIGNATURE OF PARENT
---------------	------------------------------

Name(s) of Child/Children: _____

State of Illinois)
) SO
County of)

Subscribed and sworn to before me by the above named affinity this _____ day of _____, 19____.

Notary Public